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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,689	12/05/2001	Danny E. Potter	1348-1011	4681

32376 7590 02/20/2004

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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/002,689

Applicant(s)

POTTER, DANNY E.

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto (US 4,850,005) in view of Cloutier et al. (US 6,535,586).

Regarding **claim 1**, Hashimoto discloses a telephone device with artificial intelligence (column 1, lines 6-8), (which reads on claimed "a method of operating a telephone answering device connected to a telephone line"), the method comprising:

answering an incoming call (column 5, line 32 "calling signal") on the telephone line (column 5, lines 32-35);

playing a general outgoing message (column 5, line 38 "outgoing message") on the telephone line (column 5, lines 35-42).

Hashimoto discloses inputting a name over the telephone line but fails to disclose receiving on the telephone line of a code.

However, Cloutier teaches responsive to receipt on the telephone line of a code (column 6, line 43 "a previously received code") associated with a special message storage location (120 on FIG. 1), playing a message (column 6, line 57 "outputs synthesized audio speech") stored in the special message storage location on the

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telephone line (column 6, lines 36-61) [The subscriber transmits a previously received code signature via the telephone line to the system and the user interface plays the message retrieved using a code signature].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use receiving on the telephone line of a code of Cloutier in the invention of Hashimoto.

The modification of the invention would offer the capability of receiving on the telephone line of a code such as the system would generate an access code for messages and allows direct access of a subscriber to retrieve its messages.

Regarding **claims 2, 10, 20 and 30**, Hashimoto discloses responsive to expiration of a predetermined period of time without receipt on the telephone line of the code associated with the special message storage location, recording an incoming message received on the telephone line (column 6, lines 11-25).

Regarding **claims 3, 11 and 29**, Hashimoto discloses subsequent to playing the message stored in the special message storage location on the telephone line, recording an incoming message received on the telephone line (column 6, lines 25-33).

Regarding **claims 4, 12 and 19**, Hashimoto discloses subsequent to playing the message stored in the special message storage location, storing an incoming message

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received on the telephone line in the special message storage location (column 3, lines 24-58).

Regarding **claims 5 and 13**, Hashimoto discloses wherein more than one message is stored in the special message storage location, the method further comprising enabling a caller to select one or more of the more than one message to be played on the telephone line (column 3, lines 24-58).

Regarding **claims 6 and 14**, Hashimoto discloses subsequent to playing the message stored in the special message storage location, replacing the message stored in the special message storage location with an incoming message (column 3, lines 24-58).

Regarding **claims 7, 15, 18 and 31**, Hashimoto discloses subsequent to the playing a general outgoing message on the telephone line, playing a special tone on the telephone line if a special outgoing message has previously been recorded (column 7, lines 14-23).

Regarding **claims 8, 16, 21, 26 and 32**, Cloutier teaches wherein the code comprises at least one dual-tone multi-frequency tone (column 6, lines 36-57).

Regarding **claim 9**, Hashimoto discloses a telephone device with artificial intelligence (column 1, lines 6-8), (which reads on claimed “a telephone answering device connected to a telephone line”), the method comprising:

means for answering an incoming call (column 5, line 32 “calling signal”) on the telephone line (column 5, lines 32-35);

means for playing a general outgoing message (column 5, line 38 “outgoing message”) on the telephone line (column 5, lines 35-42).

Hashimoto discloses inputting a name over the telephone line but fails to disclose receiving on the telephone line of a code.

However, Cloutier teaches means for responsive to receipt on the telephone line of a code (column 6, line 43 “a previously received code”) associated with a special message storage location (120 on FIG. 1), playing a message (column 6, line 57 “outputs synthesized audio speech”) stored in the special message storage location on the telephone line (column 6, lines 36-61) [The subscriber transmits a previously received code signature via the telephone line to the system and the user interface plays the message retrieved using a code signature].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use receiving on the telephone line of a code of Cloutier in the invention of Hashimoto.

The modification of the invention would offer the capability of receiving on the telephone line of a code such as the system would generate an access code for messages and allows direct access of a subscriber to retrieve its messages.

Regarding **claim 17**, Hashimoto discloses a telephone device with artificial intelligence (column 1, lines 6-8), (which reads on claimed “a telephone answering device”) comprising:

a control circuit (1 on FIG. 1a) connectable to a telephone line (L1 and L2 on FIG. 1a); and

a storage medium (RAM-1 and RAM-2 on FIG. 1b) connected to the control circuit that stores a general outgoing message (column 2, line 38 “general outgoing message”), a special outgoing message (column 2, line 39 “specific message”) and incoming messages (column 2, line 35 “message”), wherein, responsive to receipt of an incoming call (column 5, line 32 “calling signal”) on the telephone line, the control circuit answers the call, plays the general outgoing message on the telephone line (column 5, lines 35-42).

Hashimoto discloses inputting a name over the telephone line but fails to disclose receiving on the telephone line of a code.

However, Cloutier teaches responsive to receipt of a code (column 6, line 43 “a previously received code”) corresponding to the special outgoing message, plays the special outgoing message on the telephone line (column 6, lines 36-61) [The subscriber transmits a previously received code signature via the telephone line to the system and the user interface plays the message retrieved using a code signature].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use receiving on the telephone line of a code of Cloutier in the invention of Hashimoto.

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The modification of the invention would offer the capability of receiving on the telephone line of a code such as the system would generate an access code for messages and allows direct access of a subscriber to retrieve its messages.

Regarding **claim 22**, Hashimoto discloses wherein the storage medium comprises random access memory (column 2, lines 31-41).

Regarding **claim 23**, Hashimoto discloses wherein the storage medium comprises at least one magnetic tape (column 3, lines 10-20).

Regarding **claim 24**, Hashimoto discloses wherein the storage medium comprises a digital storage medium (column 2, lines 31-41).

Regarding **claim 25**, Hashimoto discloses a telephone device with artificial intelligence (column 1, lines 6-8), (which reads on claimed "a method of programming a telephone answering device connectable to a telephone line"), the method comprising:

recording a general outgoing message (column 3, lines 24-25);

inputting a code (column 3, lines 37-42); and

recording a special outgoing message (column 3, lines 50-51 "outgoing messages is recorded") associated with the code such that upon receipt of an incoming call (column 5, line 32 "calling signal") on the telephone line, the telephone answering



device answers the incoming call, plays the general outgoing message on the telephone line (column 5, lines 35-42).

Hashimoto discloses inputting a name over the telephone line but fails to disclose receiving on the telephone line of a code.

However, Cloutier responsive to receipt on the telephone line of the code, plays the special outgoing message on the telephone line (column 6, lines 36-61) [The subscriber transmits a previously received code signature via the telephone line to the system and the user interface plays the message retrieved using a code signature].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use receiving on the telephone line of a code of Cloutier in the invention of Hashimoto.

The modification of the invention would offer the capability of receiving on the telephone line of a code such as the system would generate an access code for messages and allows direct access of a subscriber to retrieve its messages.

Regarding **claim 27**, Cloutier teaches wherein the step of inputting a code further comprises inputting the code using a keypad of the telephone answering device (column 6, lines 36-61).

Regarding **claim 28**, Hashimoto discloses a telephone device with artificial intelligence (column 1, lines 6-8), (which reads on claimed "a method of operating a telephone answering device connected to a telephone line"), the method comprising:

answering an incoming call (column 5, line 32 "calling signal") on the telephone line (column 5, lines 32-35);

playing a general outgoing message (column 5, line 38 "outgoing message") on the telephone line (column 5, lines 35-42);

subsequent to playing the general outgoing message, determining whether a code (column 5, line 57 "recognizing code") corresponding to a special outgoing message (column 5, line 58 "voice pattern") has been received on the telephone line (column 5, lines 35-42).

Hashimoto discloses inputting a name over the telephone line but fails to disclose receiving on the telephone line of a code.

However, Cloutier responsive to a determination that the code corresponding to the special outgoing message has been received on the telephone line, playing the special outgoing message on the telephone line (column 6, lines 36-61) [The subscriber transmits a previously received code signature via the telephone line to the system and the user interface plays the message retrieved using a code signature].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use receiving on the telephone line of a code of Cloutier in the invention of Hashimoto.

The modification of the invention would offer the capability of receiving on the telephone line of a code such as the system would generate an access code for messages and allows direct access of a subscriber to retrieve its messages.

***Response to Arguments***


3. Applicant's arguments with respect to **claims 1-32** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4800.

  
g.g.  
February 11, 2004

FAN TSANG  
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